

## HOUSE BILL NO. 18

INTRODUCED BY SHOCKLEY

BY REQUEST OF THE SUPREME COURT

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE USER SURCHARGE FOR COURT INFORMATION TECHNOLOGY; MAKING PERMANENT THE USER SURCHARGE AND THE ACCOUNT ESTABLISHED FOR COURT INFORMATION TECHNOLOGY; AMENDING SECTION 3-1-317, MCA, SECTION 4, CHAPTER 361, LAWS OF 1995, AND SECTION 1, CHAPTER 71, LAWS OF 1999; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 3-1-317, MCA, is amended to read:

**"3-1-317. (Temporary) User surcharge for court information technology -- exception.** (1) Except as provided in subsection (2), all courts of original jurisdiction shall impose:

(a) on a defendant in criminal cases, a ~~\$5~~ \$10 user surcharge upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail;

(b) on the initiating party in civil and probate cases, a ~~\$5~~ \$10 user surcharge at the commencement of each action, proceeding, or filing; and

(c) on each defendant or respondent in civil cases, a ~~\$5~~ \$10 user surcharge upon appearance.

(2) If a court determines that a defendant in a criminal case or determines pursuant to 25-10-404 that a party in a civil case is unable to pay the surcharge, the court may waive payment of the surcharge imposed by this section.

(3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

(4) The amounts collected under this section must be forwarded to the department of revenue for deposit in the account established in 3-5-904 for state funding of court information technology. (~~Terminates June 30, 2003--sec. 1, Ch. 71, L. 1999.~~)"

**Section 2.** Section 4, Chapter 361, Laws of 1995, is amended to read:

**"Section 4. Effective date ~~—termination date.~~ (1)** [This act] is effective July 1, 1995.

~~(2) [This act] terminates June 30, 1999."~~

**Section 3.** Section 1, Chapter 71, Laws of 1999, is amended to read:

**"Section 1.** Section 4, Chapter 361, Laws of 1995, is amended to read:

**"Section 4. Effective date -- termination date.** (1) [This act] is effective July 1, 1995.

~~(2) [This act] terminates June 30, 1999 2003."~~

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval JUNE 28,  
2003.

**NEW SECTION. SECTION 5. TERMINATION.** [THIS ACT] TERMINATES JUNE 30, 2005.

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